Remarks

A. **Pending Claims**

Claims 1, 2, 4-6, 10, 21, 22, 24-42, 44- 46, 50 and 61 have been amended. Claim 100 has been added. Claims 1, 2, 4-22, 24-42, 44-61 and 100 are pending in the case.

B. **The Claims Are Not Obvious Over Zak in View of Burge Pursuant to 35 U.S.C. § 103(a)**

The Examiner rejected claims 1-2, 4-22, 24-42, 44-61 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2002/0004729 to Zak et al. ("Zak") in view of U.S. Patent Publication No. 2003/0200123 to Burge et al. ("Burge"). Applicant respectfully disagrees with these rejections for at least the following reasons.

In order to reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner* et al., 379 F.2d 1011, 154 U.S.P.Q. 173, 177-178 (C.C.P.A. 1967). To establish a *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). (Emphasis added). Moreover, in an obviousness determination, it is important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the manner claimed. *Takeda Chemical v. Alphapharm*, 492 F.3d 1350, 1356-57 (Fed. Cir. June 28, 2007) (citing *KSR International Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1731 (2007)).

Independent Claim 1

Amended claim 1 recites a combination of features including:

after receiving the input selection relating to at least one injury for the first body
part, receiving at least one selection of a second body part that is different
from the first body part;

in response to receiving the at least one selection of the second body part:
removing from the display the first set of input fields for input selection
relating to the at least one injury for the first body part; and
displaying, using the insurance claims processing system, a second set of
input fields for input selection relating to at least one injury for the
second body part, wherein the second set of input fields for input
selection relating to the at least one injury for the second body part
for the second body part is different from the first set of input
fields for input selection relating to the at least one injury for the
first body part

Support for the amendments to claim 1 may be found in Applicant's specification at least on pages page 104, line 6 to page 105, line 27; page 107, line 17 to page 111, line 26; and FIGS. 32-38. The cited art does not appear to teach or suggest at least the above quoted features of claim 1, in combination with the other features of the claim.

With regard to previously submitted claim 1, the Examiner states:

> As to **Claim 1, 21, and 41,** Zak teaches a method, a program instructions
> executable, and an insurance claim processing system comprising:
> • selecting a body part on at least one human body representation (Zak,
> Fig. 3-4);
> • displaying, in response to selecting the body part, input selection
> information related to the selected body part (Zak, Fig. 4 and paragraph
> 77-79); (Zak, Fig. 4 and paragraph 77-79)
> (Office Action, page 3)

With regard to previously submitted claim 1, the Examiner also states:

> Applicant argues that because the teachings of Zak does not meet the claim
> limitation, "displaying, in response to selecting the body part, input
> selection information related to the selected body part" because the problem
> form does not change. However, as the claim limitation is broadly stated, the
> claim limitation reads on the selectable input regions on the chest, in response
> to selecting the body part, as clearly viewed in Fig. 4. For example, element
> 222 of Fig. 4 represents input selection information related to the selected

body part. Applicant has only argued that the input selection information consists of only the problem form, however, no where in the claim does the input selection information only consist to the problem form. Examiner determines that Applicant has read limitations from the specifications into the claim.
(Office Action, pages 8-9)

Zak states:

[0076] FIG. 3 shows a problem form 200 incorporating the invention's "Body GUI" (Body Graphical User Interface) 205 used to document additional patient complaints and exam findings obtained during the history phase of an EMS call. In the body GUI 205 of the problem forms 200, a graphical representation of the human body 210 is shown at the left of the form detail area. By simply touching the display of a particular body part using the pen stylus, the EMT user can easily associate focal patient complaints and exam findings with a particular body region, and "zoom in" to document finer levels of detail in a medical problem. See FIG. 4, which shows the result of selecting the thoracic portion 211 of the body representation 210 in FIG. 3. Dashed lines 222 help the user to identify regions that are selectable, so that the user can zoom in further to the left or right chest, sternum, belly, side, or other marked area. Icons 224 at the bottom of the "Body GUI" allow the user to rotate the image for lateral or posterior views, select right and left body parts (e.g., hands, eyes), or zoom back out to the full body image. The portion of the body being selected appears in text form listed in the Complaint location(s) window 240, and appears as well in a header line at the top of body GUI display 205. The Body GUI is also gender specific based upon the patient's sex as entered on the patient demographics form.
(Zak, page 4, paragraph [0076])

Zak discloses an interface used to document patient complaints. A graphical representation of the human body is depicted to the side of a detail area. By selecting a body portion of the representation, the user can associate complaints and findings with a particular body region. As depicted in FIGS. 3 and 4 of Zak, selecting a body portion of the representation may cause the body representation to change. The selections in the problem form, however, do not appear to change based on the selection of the body portion. For instance, as illustrated in FIGS. 3 and 4, the available selections under the "history of present problems" appears to be the same in FIGS. 3 and

4. As such, Zak does not appear to teach or suggest, in response to receiving a selection of the second body part, removing from the display a first set of input fields for input selection relating to an injury for a first body part, and displaying a second set of input fields for input selection relating to an injury for a second body part in which the second set of input fields for input selection relating to the injury for the second body part for the second body part is different from the first set of input fields for input selection relating to the injury for the first body part. For at least this reason, Applicant submits that claim 1 is allowable over the cited art.

In another portion of the rejection, the Examiner states:

> But, Zak does not specifically discloses providing a graphical display in an insurance claim processing system. However, Burge does disclose using a graphical representation of a human body within an insurance claim processing system (Burge, Abstract and paragraph 49).
> (Office Action, page 3)

The Examiner also states:

> Applicant argues Burge does not appear to disclose a graphical representation of a human body. Examiner respectfully disagrees with the Applicant's interpretation of the prior art. The virtual representation of Claimant, as taught by Burge, reads on "a graphical representation of a human body". Burge analogizes a virtual human with human and dummy representation from Burge's statement, "Software capable of generating a virtual human from these data inputs is known in the art for human and dummy representation".
> (Office Action, page 9)

The Examiner takes the position that Burge discloses using a graphical representation of a human body. Applicant respectfully disagrees. Burge does not appear to disclose a <u>graphical</u> representation of a human body.

The cited portions of Burge state:

A system and method for using simulation to evaluate the injury claims of individuals involved in motor vehicle accidents. The system uses a computer system configured to accept accident data collected during the insurance claims process, provide an analysis of the impact forces and provide information about the forces and accelerations on body parts of the individuals claiming injuries. By substantially automating the conversion of accident data into occupant dynamics simulation information, injury claims can be cost-effectively analyzed using simulation.
(Burge, Abstract)

and

[0049] FIG. 10 is an exemplary Claimant Specification Form 1005 that enables a user to cause the Data Management System 120 to generate a virtual representation of Claimant 10 by inputting specifications into the form and clicking the Set Button 835. Here, Claimant 10 is shown generated from specifying Gender 1010, Height 1015, Weight 1020 and Age 1025. Software capable of generating a virtual human from these data inputs is known in the art for human and dummy representation, such as the Bodybuilder and Anthropos products by the TecMath corporation and Mannequin Pro from NexGen Ergonomics. Restraint use for claimant may also be specified, here shown as specifying Seatbelt Use 1030 and Airbag Deployment 1035.
(Burge, page 3, paragraph [0049])

Burge discloses a system and method for using simulation to evaluate the injury claims of individuals involved in motor vehicle accidents. The system provides an analysis of the impact forces and information about the forces and accelerations on body parts of the individuals claiming injuries. Burge further discloses a form that enables inputting specifications that can be used to generate a "virtual human" used in the analysis. Burge does not, however, teach or suggest a graphical representation of a human body. In contrast, Burge appears to disclose entering textual or numerical data related to the claimant. For example, as depicted in FIG. 10 of Burge, the form includes fields for inputting data related to gender, height, weight, age, seatbelt-use and airbag deployment. Burge, however, does not disclose displaying a graphical

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representation of a human body, much less a human body representation comprising a visual image, in combination with other features of claim 1.

For at least these reasons, Applicant respectfully submits that claim 1 is allowable over the cited art.

Independent Claim 21

Amended claim 21 recites a combination of features including:

after receiving the input selection relating to at least one injury for the first body part, receiving at least one selection of a second body part that is different from the first body part;

in response to receiving the at least one selection of the second body part:

removing from the display the first set of input fields for input selection relating to the at least one injury for the first body part; and

displaying a second set of input fields for input selection relating to at least one injury for the second body part, wherein the second set of input fields for input selection relating to the at least one injury for the second body part for the second body part is different from the first set of input fields for input selection relating to the at least one injury for the first body part

For at least the reasons discussed above with respect to claim 1, Applicant submits that claim 21 is allowable over the cited art.

Independent Claim 41

Amended claim 41 recites a combination of features including:

after receiving the input selection relating to at least one injury for the first body part, receiving at least one selection of a second body part that is different from the first body part;

in response to receiving the at least one selection of the second body part:

removing from the display the first set of input fields for input selection relating to the at least one injury for the first body part; and

displaying a second set of input fields for input selection relating to at least one injury for the second body part, wherein the second set of input

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fields for input selection relating to the at least one injury for the second body part for the second body part is different from the first set of input fields for input selection relating to the at least one injury for the first body part

For at least the reasons discussed above with respect to claim 1, Applicant submits that claim 41 is allowable over the cited art.

Independent Claim 61

Amended claim 61 recites a combination of features including, but not limited to:

receiving input corresponding to at least one body part on the at least one human body representation; and

highlighting, in response to receiving the input, at least one body part on the graphical display of the human body representation corresponding to the received input on at least one human body representation

With regard to claim 61, the Examiner stated:

Zak teaches a method, comprising:

. . .

• highlighting, in response to receiving the input, at least one body part corresponding to the received input on at least one human body representation (Zak, Fig. 3 and paragraph 83).

(Office Action, page 7)

The Examiner also states:

As to Applicant arguments to Claim 61, Applicant continues to argue the problem list and that the term, "highlighting" only applies to a complaint in the problem list in the disclosure of Zak. However, the word, "highlighting", as defined by Webster's II Dictionary (Third Edition) is defined as, "To emphasize". Once again, this is clearly done in element 222 of Fig. 4.

(Office Action, page 7)

Zak states:

[0083] In a case where pain or other bodily symptom is reported as shown in FIG. 2, the sequence of forms exemplified in FIGS. 3 and 4 is displayed, so that the Body GUI can be used to narrow down reported symptoms. If

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the highlighted problem involves a motorized vehicle crash on the FIG. 2
form, the forms 200c and 200d of FIGS. 6 and 7 respectively are displayed
as part of the sequence of problem forms to gather crash data. Other crash
data forms may be added as needed. In general, by selecting (highlighting)
a specific complaint in the problem list, the EMT selects a specific
sequence of forms appropriate to the selected entry.
(Zak, page 5, paragraph [0083], emphasis added)

This portion of Zak appears to disclose that a user may select (highlight) a complaint in
the problem list. More over, element 22 includes "dashed lines" that "help the user to identify
regions that are selectable." (Zak, paragraph [0076]). Zak does not appear to teach or suggest,
however, highlighting at least one body part corresponding to the received input on at least one
human body representation in combination with the other features of claim 61. For at least these
reasons, Applicant submits that claim 61 is allowable over the cited art.

Dependent Claims 4, 24 and 44

In addition to being allowable over the cited art based on the features recited by each of
the independent claims, Applicant submits that dependent claims 4, 24 and 44 are allowable for
the additional features recited in the respective claims. For instance, the cited art fails to teach or
suggest at least the feature including, "wherein the listing of at least one injury for at least one
subpart appears in response to selecting the subpart from the listing of at least one subpart," in
combination with other features recited by dependent claims 4, 24, and 44. In the Office Action,
the Examiner cites to FIG. 4 and paragraph [0076] of Zak as disclosing the features recited in
claims 4, 24, and 44. (See Office Action, pages 4 and 9). The cited portion of Zak appears to
disclose a static listing of injuries that are continuously displayed. Selecting the injury associates
an injury with the complaint location that is identified at the time (e.g., "Chest" as depicted in
FIG. 4 of Zak). The listing of injuries disclosed by Zak is thus continuously visible. Zak does
not appear to teach or suggest that a listing for a subpart appears in response to selecting the
subpart from a listing, in combination with other features recited by claims 4, 24 and 44.

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For at least these reasons, Applicant submits that claims 4, 24 and 44 are allowable over the cited art.

Dependent Claims 7, 27 and 47

In addition to being allowable over the cited art based on the features recited by each of the independent claims, Applicant submits that dependent claims 7, 27, and 47 are allowable for the additional features recited in the respective claims. For instance, the cited art fails to teach or suggest at least the feature including, "wherein a listing of at least one treatment appears when an injury is selected from a listing of at least one injury," in combination with other features recited by dependent claims 7, 27, and 47. In the Office Action, the Examiner cites to FIG. 9 and paragraph [0087] of Zak as disclosing the features recited in claims 7, 27, and 47. (*See* Office Action, pages 4-5 and 9-10). Zak appears to disclose a treatment form used to document treatments previously given by EMS providers. *See* Zak, para. [0085]. FIG. 9 depicts a separate form including treatments. Zak does not appear to teach or suggest that a listing of at least one treatment appears when an injury is selected, in combination with other features recited by claims 7, 27, and 47.

For at least these reasons, Applicant submits that claims 7, 27, and 47 are allowable over the cited art.

Dependent Claims 10, 30 and 50

In addition to being allowable over the cited art based on the features recited by each of the independent claims, Applicant submits that dependent claims 10, 30, and 50 are allowable for the additional features recited in the respective claims. For instance, the cited art fails to teach or suggest at least the feature including, "distinguishing the body part selected from unselected body parts by at least one of highlighting, outlining, and circling the selected body part," in combination with other features recited by dependent claims 10, 30, and 50. In the Office

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Action, the Examiner cites to FIG. 3 of Zak as disclosing the features recited in claims 10, 30, and 50. (*See* Office Action, page 5). The Examiner also states: "Examiner does not agree with Applicants narrow interpretation of the claim language for dependent claims 10, 30, and 50. Fig. 3 clearly shows distinguishing the body part selected by at least one of highlighting, outlining, and circling the selected body part." (Office Action, page 10). FIG. 3 of Zak depicts several segmented body parts. Zak, however, does not appear to distinguish one body part from another or depict any form of highlighting, outlining or circling of a selected body part. Accordingly, Zak does not appear to teach or suggest distinguishing the body part selected from unselected body parts by at least one of highlighting, outlining, and circling the selected body part, in combination with other features recited by claims 10, 30, and 50.

For at least these reasons, Applicant submits that claims 10, 30, and 50 are allowable over the cited art.

Dependent Claims 18, 38 and 58

In addition to being allowable over the cited art based on the features recited by each of the independent claims, Applicant submits that dependent claims 18, 38, and 58 are allowable for the additional features recited in the respective claims. For instance, the cited art fails to teach or suggest at least the feature including, "displaying an indicator next to a listing of a received input selection to indicate whether the input selection should be considered in a respective insurance claim," in combination with other features recited by dependent claims 18, 38, and 58. In the Office Action, the Examiner cites to elements 241-243 of FIG. 2 of Zak as disclosing the features recited in claims 18, 38, and 58. FIG. 2 of Zak depicts three icons used for entry and removal of certain complaints. Zak states:

> The invention uses quick-entry icons to accomplish frequently-performed tasks with a single movement. The forms in FIGS. 2, 3, and 4 show the use of "+", "x", and "-" icons 243. Using the "+" icon adds the currently-designated complaint (or finding) to the complaint list. Using the "x" icon

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clears the currently-designated complaint and cancels the associated changes. Using the "-" icon deletes a complaint from the complaint list. (Zak, para. [0079])

Accordingly, the icons 241-243 are used for entry or removal of data. The icons do not appear to be indicative of any of characteristics of the displayed data. The Examiner also states: "As to Applicant arguments to dependent claims 4, 24, and 44, entry and/or removal of a complaint is a clear indication of whether the input selection should be considered." (See Office Action, pate 10). Applicant submits that such an interpretation does not give deference to all of the claimed elements, including the features of "displaying an indicator." Accordingly, Zak does not appear to teach or suggest an indicator next to a listing of received input selection to indicate whether the input selection should be considered in a respective insurance claim, in combination with the other features recited by claims 18, 38, and 58.

For at least these reasons, Applicant submits that claims 18, 38, and 58 are allowable over the cited art.
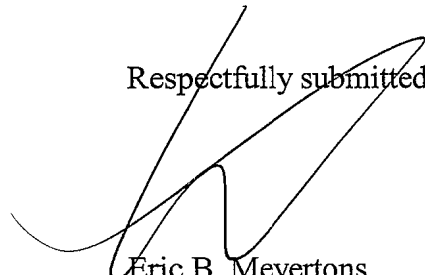
C.   **New Claims**

New claim 100 recites: "highlighting body parts for which input has been received in a different manner than body parts that have been selected but for which input has not been received". The cited art does not appear to teach or suggest at least the above quoted feature of claim 100, in combination with the other features of the claim.

D.   **Additional Remarks**

Based on the above, Applicant submits that all of the claims are in condition for allowance. Favorable reconsideration is respectfully solicited.

If an extension of time is required, Applicant hereby requests the appropriate extension of time. If any fees are required, please appropriately charge those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel Deposit Account No. 50-1505/5053-63200/EBM.

Respectfully submitted,

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